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2301-03-0787

THIS INDENTURE, Made by and between THE REALTY SYNDICATE, a corporation organized and existing under and by virtue of the laws of the State of California and having its principal place of business in the City of Oakland, County of Alameda, in said State, the party of the first part, and GREAT WESTERN POWER COMPANY, a corporation organized and existing under and by virtue of the laws of the State of California and having its principal place of business in the City of Richmond, County of Contra Costa, in said State, the party of the second part, WITNESSETH:

That the party of the first part, for and in consideration of the sum of Five (5) Dollars in Gold Coin of the United States of America to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, does hereby grant unto the said party of the second part, its successors and assigns, upon the conditions and for the purposes hereinafter set forth, an easement over a tract of land of a uniform width of sixty (60) feet situated in the County of Alameda, State of California, the center line of which said strip of land sixty (60) feet in width, over which said easement is hereby granted, being more particularly described as follows, to wit:

COMMENCING at a point on the Western line of that certain 30 acre tract of land heretofore conveyed by The Real Estate Combine to The Realty Syndicate by deed dated May 23, 1899, and recorded in Liber 694 of Deeds at page 185, Alameda County Records, said line being also the Eastern boundary line of Lot 5 in Block 8, as said lot and block are delineated and so designated on that certain map entitled "Map of East Oakland Heights", filed in the office of the Recorder of Alameda County, California, October 6, 1890, distant thereon South $30^{\circ} 44'$ East 30 feet from the most Northern corner of the said Lot 5;

and running thence South $86^{\circ} 28'$ East 344 feet to a point 30 feet Northwesterly at right angles from the Northwestern boundary line of Fourth Avenue Terrace, as said boundary line is delineated upon that certain map entitled "Map of Fourth Avenue Terrace", filed in the office of the Recorder of said Alameda County, May 8, 1907; thence parallel with said boundary line of said Fourth Avenue Terrace North $57^{\circ} 8'$ East 744 feet to a station; thence North $41^{\circ} 24'$ East 1170 feet to a station distant 30 feet Northwesterly at right angles from the Southeastern boundary line of that certain tract of land containing 14.25 acres heretofore conveyed by Piedmont Building Association to The Realty Syndicate by deed dated November 5, 1906, and recorded in Liber 1284 of Deeds at page 22, Alameda County Records; thence North $49^{\circ} 56'$ East 1987 feet to a station; thence North $70^{\circ} 42'$ East, at 1455 feet intersect the line dividing that certain 116.30 acre tract firstly described in deed from Joseph L. Alexander to Bridget Feeney by deed dated February 17, 1862, and recorded in Liber "L" of Deeds at page 672, Alameda County Records, from that certain 7.386 acre tract heretofore conveyed by Geo. and Carrie R. Sterling to The Realty Syndicate by deed dated January 15, 1903, and recorded in Liber 875 of Deeds at page 214, Alameda County Records, distant thereon North 21° East 471 feet from the most Southern corner of said 7.386 acre tract, 3144 feet to station; thence North $43^{\circ} 10'$ East 818 feet to station; thence North $15^{\circ} 38'$ East 423 feet to a point in the center of the Eastern branch of Sausal Creek commonly known as Palo Seco Creek, about 400 feet Southeasterly from its confluence with Sausal Creek, on the Northeastern boundary line of that certain 223.88 acre tract heretofore conveyed by the Pacific Mutual Life Insurance Company to The Realty Syndicate by deed.

dated May 20, 1908, and recorded in Liber 1499 of Deeds at page 67, Alameda County Records, at 75 feet on course North 49 1/4° West 2.30 chains of last said boundary line.

Containing 11.88 acres and being portions of the tracts of land deeded as follows:

The Real Estate Combine to The Realty Syndicate dated May 23, 1899, and recorded in Liber 694 of Deeds, at page 185, Alameda County Records.

Wickham Havens Incorporated to The Realty Syndicate dated January 31, 1907, and recorded in Liber 1274 of Deeds at page 440, Alameda County Records.

Piedmont Building Association to The Realty Syndicate dated November 5, 1906, and recorded in Liber 1284 of Deeds, at page 22, Alameda County Records.

Joseph Alexander to Bridget Feeney dated February 17, 1862, and recorded in Liber "L" of Deeds, at page 672, Alameda County Records.

George and Carrie R. Sterling to The Realty Syndicate dated January 15, 1903, and recorded in Liber 875 of Deeds at page 214, Alameda County Records.

Pacific Mutual Life Insurance Company to The Realty Syndicate by deed dated May 20, 1908, and recorded in Liber 1499 of Deeds at page 67, Alameda County Records.

ALSO: A strip of land sixty (60) feet in width, the center line of which is described as follows, to wit:

COMMENCING at a point on the Southwestern boundary line of that certain 412 acre tract of land heretofore conveyed by The Realty Syndicate to George Sterling by deed dated October 30, 1906, and recorded in Liber 1313 of Deeds at page 147, Alameda County Records, distant thereon North 41° 54' West 397 feet from Stake 120 at the most Northern corner of

that certain 474 acre tract of land heretofore conveyed by The Realty Syndicate, a corporation, to F.M. Smith by deed dated March 22, 1907, and recorded in Liber 1314 of Deeds at page 427, Alameda County Records, and running thence South $53^{\circ} 25'$ West 762.46 feet; thence South $15^{\circ} 38'$ West 2126.40 feet to a point on the Northern boundary line of the aforesaid 474 acre tract, distant thereon North $77^{\circ} 15'$ West 9 feet from stake 98 as noted in the last said deed.

Containing 3.98 acres and being a portion of that certain 476.80 acre tract of land heretofore conveyed by John H. Medau and Regina Medau, his wife, to The Realty Syndicate by deed dated February 1st, 1905, and recorded in Liber 1024 of Deeds at page 321, Alameda County Records.

This grant is made upon the following express conditions and reservations, to-wit:

First. Said easement is hereby granted for the purpose only of enabling said party of the second part to erect and maintain upon said strip of ground sixty feet in width two lines of steel towers, which said steel towers shall be located upon said strip of land not less than three hundred and fifty (350) feet apart, for the purpose of suspending and stringing wires thereon and supported thereby for the transmission and distribution of electricity, with all necessary and proper cross arms, braces, connections, fastenings and other appliances for use in connection therewith, provided that no wire shall be suspended or strung upon or between said towers at a distance of less than thirty (30) feet from the surface of said sixty foot strip of ground hereinbefore described; and provided further that where said wires cross any railroad hereafter constructed across said strip of ground sixty feet in width, then in that case said party of the second part shall maintain said wires at least forty (40) feet above the rails of said railroad at said crossing.

Second. Said party of the first part hereby reserves the right to cross said sixty foot strip of ground hereinbefore

described at any point or points with such streets, avenues and highways and railroad lines as it may desire, provided that in case of the opening of any street, highway or avenue, or construction of any railroad line, across said sixty foot strip, it shall become necessary to move any tower erected under the terms of this grant by the party of the second part, then in that case the actual cost of moving said tower shall be borne by the party of the first part.

Third. Said party of the first part also hereby reserves a right of way across said strip of ground sixty feet wide for the use of the Oakland Traction Company, a corporation organized and existing under and by virtue of the laws of the State of California, and also a right of way across said strip of ground sixty feet in width for the use of the San Francisco, Oakland and San Jose Consolidated Railway, a corporation organized and existing under and by virtue of the laws of the State of California.

Fourth. Said party of the first part hereby reserves the right to use said strip of land sixty feet in width for all purposes including that of mining and agriculture, and the said party of the second part, in the enjoyment of the rights hereby granted, shall avoid so far as it reasonably can interfering with the use by the party of the first part of said strip of land for any and all purposes. The party of the second part shall have the right of patrolling said line of towers and wires located upon said sixty foot strip of ground, and shall also have the right to erect, maintain and use gates in all fences which now cross or which shall hereafter cross said sixty foot strip of ground, but said party of the second part shall not have the right to fence or inclose said strip of ground sixty feet in width over which

said easement is hereby granted.

Any violation of the conditions of this grant shall terminate and extinguish the easement hereby granted.

IN WITNESS WHEREOF, said party of the first part has executed these presents this NINTH day of December, 1908.

THE REALTY SYNDICATE,

By George E. Pratt
Third Vice President.

By Samuel J. Taylor
Secretary.

State of California,
COUNTY OF ALAMEDA, { ss.

On this Ninth day of December, , in the year of our Lord One Thousand Nine Hundred and Eight, before me, M. H. Jacobus, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared

George E. Pratt, known to me to be the 3rd Vice-President and Samuel J. Taylor known to me to be the Secretary of the Corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office in the County and State aforesaid, the day and year in this certificate first above written.

(Corporation)

Notary Public in and for said County of Alameda, State of California.

BE IT RESOLVED that this corporation grant and convey to the Great Western Power Company, a California corporation, an easement for its electric tower transmission line and for other purposes in connection therewith; and

BE IT FURTHER RESOLVED that George E. Pratt, the Third Vice President, and Samuel J. Taylor, the Secretary, be, and they are hereby authorized, empowered and directed for and in behalf of this corporation and as its corporate act and deed to make, execute, acknowledge and deliver to said Great Western Power Company an instrument in writing in such form as said Third Vice President and Secretary may see fit, granting to said Great Western Power Company such rights and easement as they may deem necessary or proper for use by said Great Western Power Company, its successors or assigns, in or to the lands or any thereof of this corporation, all acts and deeds of said Third Vice President and Secretary, and each of them, being hereby ratified, approved and confirmed.

I, SAMUEL J. TAYLOR, Secretary of The Realty Syndicate, a California corporation, do hereby certify that the foregoing resolution was duly adopted at a duly and regularly called and held meeting of the Board of Directors of said corporation, on the NINTH day of DECEMBER, 1908, at which meeting more than a majority of the Directors of said corporation were present and duly voted in favor of said resolution and that said resolution now stands upon the minutes of said corporation, and is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto on this NINTH day of DECEMBER, 1908, signed my name as Secretary of said corporation, and affixed hereto the corporate seal of said corporation.


Secretary of
THE REALTY SYNDICATE.

RECORDED M. 29859
GRANT OF EASEMENT

INDEXED
COMPARED

Agilto
John C. Earle
Blocker Dredge
D.P.

THE REALTY SYNDICATE

GREAT WESTERN POWER COMPANY.

APPROVED AS TO FORM.

Dated December 9-1908

ATTORNEY.

DESCRIPTION
CORRECT

CENTER LINE
DESCRIPTION
CORRECT.

Viele, Black & Buck

RECORDED AT REQUEST OF
John C. Earle
at min. recd. 1 a.m.
in Liber 13 page 6
MAR 17 1909
P. G. J. Records of Alameda Co.
COUNTY RECORDER

State of California,
COUNTY OF ALAMEDA, { ss.

On this Ninth day of December, , in the year of our Lord One Thousand Nine Hundred and Eight before me, **M. K. JACOBUS**, a Notary Public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared **SAMUEL J. TAYLOR**, Secretary of The Realty Syndicate, a corporation, known to me to be the person described in and whose name is subscribed to the within instrument, and he acknowledged to me that he executed the same as such Secretary.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my Official Seal, at my office in the County and State aforesaid, the day and the year in this certificate first above written.

M. K. Jacobus
Notary Public in and for the County of Alameda, State of California.

(General)

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